HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.33071 of 1997

Dated 13th day of February, 2007

Between:

S. Muthyalu
and three others ..
Petitioners

And

The District Collector,
Khammam
and two others ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents 2 and 3 in interfering with the peaceful cultivation of the petitioners in patta land in S.No.165/1 situated in Erughatla village, Penuballi Mandal, Khammam District, as illegal and arbitrary, and consequently direct the respondents 2 and 3 not to dispossess the petitioners from the patta land without following due process of law.

The brief facts of the case are that pursuant to the proceedings dated 14.11.1974 issued by the District Revenue Officer, Khammam, the then Tahsildar, Khammam granted Final Patta Certificates to the petitioners in respect of a total extent of Ac.2.38 cents of land in S.Nos.163/1 and 165/1 situated in Erughatla village. Since then, the petitioners have been cultivating the land. Now, their grievance is that 2nd and 3rd respondents, without following due process of law, are insisting on them to vacate the patta land situated in S.No.165/1 saying that the land is in Forest area and cultivation cannot be done in it.

Heard the learned counsel for both the parties.

This Court, while ordering Rule Nisi directed the respondents not to dispossess the petitioners from the land in question. As the very prayer in the writ petition is not to dispossess the petitioners from the land without following due process of law, this Court deems it appropriate to direct the respondents to follow the due process of law before initiating any action of dispossession against the petitioners.

With the above direction, this writ petition is disposed of. No costs.

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13.02.2007

bcj